THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.NO.5687 OF 1998

Dt.3.1.2006

Between:

N.Poorna Chandra Rao and 4 others. … Petitioners

And

The Employment Exchange, Vijayawada,

Krishna District and another. … Respondents

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of respondents in restricting the candidates, who completed apprenticeship with Andhra Pradesh State Road Transport Corporation (APSRTC) for the post of Cleaner as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

Petitioners passed ITI Examination and also completed apprenticeship as allotted by the Department of Employment and Training, Government of Andhra Pradesh in various institutions owned by the State Government and other Corporations in the State. They have registered their names with the Employment Exchange. The Department of Employment and Training would allot the students, who completed ITI in different institutions to the State Government as well as other establishments. Thus, some students, who completed ITI course were allotted to APSRTC and others were allotted to the other establishments owned by the State Government as well as other Corporations. The grievance of the petitioners is that when the posts of Cleaners were sought to be filled up by the 2nd respondent, candidates who had undergone apprenticeship with APSRTC were preferred by obtaining such a list

from the Principal, APSRTC Training College and selected and appointed them; whereas, the petitioners though completed apprenticeship on par with the candidates, who have completed their apprenticeship in the APSRTC, were not preferred and appointed. Therefore, the action of the respondents is arbitrary, illegal and violative of Articles 14 and 16 of the Constitution.

A detailed counter affidavit has been filed on behalf of the 2nd respondent, in which, it is stated *inter alia* that according to the Circulars issued by the Corporation, the persons, who had completed their apprenticeship with APSRTC were to be preferred and appointed as Cleaners. It is also stated that on 30.9.1997 a requisition was placed before the Employment Exchange, Vijayawada seeking sponsoring of the candidates for appointment in the APSRTC and specifically stating that in case after exhausting the list of candidates, who had undergone apprenticeship with APSRTC, the others could be considered. This procedure was adopted as per the guidelines laid down by the Apex Court in **UPSRTC v. U.P.PARIVAHAN NIGAM**. In view of the interim orders passed by this Court, the petitioners were called for interview along with candidates, who had undergone apprenticeship with APSRTC. The Departmental Selection Committee has preferred the persons, who have undergone apprenticeship with APSRTC as per the guidelines laid down by the Apex Court in the aforesaid decision. Therefore, no interference can be made of the procedure adopted by the respondent-Corporation.

Heard both sides.

It is an admitted fact that the petitioners have not undergone apprenticeship with APSRTC after completion of ITI course. The respondent-Corporation preferred the candidates, who had undergone apprenticeship with them when the regular recruitment for Cleaners was made as per the guidelines of the Supreme Court in **UPSRTC v. U.P.PARIVAHAN NIGAM** (supra). Respondent No.2 had sought sponsoring of certain candidates from the Employment Exchange only to consider their cases in case the candidates, who have undergone apprenticeship with APSRTC, were not eligible or disqualified for any other reason. Mere sponsoring of the names of the petitioners by the Employment Exchange does not confer any right on them to be treated on par with the persons who have undergone apprenticeship with the APSRTC. Even in the letter dated 30.9.1997 addressed by the respondent-Corporation to the Employment Exchange, it was made clear that only after

exhausting the list of candidates trained under the APSRTC, the other candidates will be considered. Therefore, in view of the judgment of the Apex Court coupled with the said letter dated 30.9.1997 and in view of the fact that the petitioners did not undergo apprenticeship in APSRTC, the grievance of the petitioners is unfounded and the writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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(N.V.RAMANA, J.)

03-01-2006

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